

REMARKS**I. STATUS OF CLAIMS**

Claims 3, 12 and 19 are canceled herein without prejudice or disclaimer. Various other claims are amended herein. No new matter has been added.

In view of the above, it is respectfully submitted that claims 1-20 are currently pending in this application.

II. REJECTION OF CLAIMS 1, 2, 5, 8, 9, 13, 14 AND 16-18 UNDER 35 U.S.C § 102(e) AS BEING ANTICIPATED BY CONNOR (U.S. PATENT 6,477,492)

Claims 1, 8 and 13 are amended here to further clarify the invention. Support for the amended claims can be found, for example, on page 4, paragraphs [0014-0016] of the present invention. For example, claim 1 as amended specifically recites, amongst other novel features, *"using a **predetermined task list** to perform a port setup and a call control and waiting for the calling signal from the VQT across the network under test, and performing functions allowing the VQT server to conduct voice quality tests on the network"*. Connor fails to disclose, teach or suggest these features.

Instead, Connor merely utilizes a processor 35 and a script file, which are located outside the VRS, to direct different states in the VRS 12 state machine. (see, FIGS. 2 and 3 and column 4, lines 8-12 of Connor.) Next, Connor discloses sequences of scripts that are preloaded into the script file. (see column 5, lines 7-13 of Connor). The script files taught by Connor specify DTMF tone parameters such as digit, tone duration, inter-digit silence duration and tone levels. (see column 5, lines 7-13 of Connor). Thus, the purpose of the script file taught by Connor is simply to store tone parameters. Therefore, Connor does not teach a **predetermined task list** to perform a port setup and a call control and waiting for the calling signal from the VQT across the network under test, as recited, for example in claim 1.

Connor teaches "the VQT platform can more accurately distinguish correct voice prompts from incorrect voice prompts." (see column 2, lines 40-43 of Connor). Connor further discloses "the VRS system under test can be stimulated with tone that are either valid or invalid, and the corresponding acceptance or rejections of these tones by the VRS is monitored." (see column 2, lines 59-62 of Connor). Therefore, Connor teaches a voice response system (VRS) where the voice patten or tone pattern being recognized across the network is intended to invoke a particular response from the VRS, such as determining the next state. In contrast, for example, claim 1 recites **passing tone pulses back and forth between the autonomous VRU and the VQT in a prescribed pattern of tone and silence until the autonomous VRU and the VQT are**

synchronized. Therefore, Connor fails to teach the present invention, as recited, for example, in claim 1.

Furthermore, for example, claim 1 is amended to include the features of claim 3. For example, amended claim 1 recites, *"the VQT and the autonomous VRU using an In-band synchronization by passing tone pulses back and forth between the autonomous VRU and the VQT in a prescribed pattern of tone and silence until the autonomous VRU and the VQT are synchronized."*

In rejecting claim 3, the Examiner concedes Connor fails to suggest these features. (see page 4 of the Office Action). Therefore, the Examiner relies upon Tomberlin to teach such features.

However, the paragraphs cited by the Examiner only disclose, for example, "relative to the time that the second synchronization signal is received at the first communication station, a test signal is transmitted to the first voice quality tester." (citing paragraphs 0022-0023 and 0075 of Tomberlin). The cited paragraphs in Tomberlin do not disclose ***passing tone pulses back and forth between the autonomous VRU and the VQT in a prescribed pattern of tone and silence until the autonomous VRU and the VQT are synchronized***, as recited, for example, in claim 1. Therefore, this feature is also absent in Tomberlin.

In view of the above, it is respectfully submitted that the rejection is overcome.

Although the above comments are specifically directed to claim 1, it is respectfully submitted that the comments would be helpful in understanding differences in claims 2, 5, 8, 9, 13, 14 and 16-18 over Connor.

III. REJECTION OF CLAIMS 3, 4, 6, 7, 10-12, 15, 19 AND 20 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER CONNOR (U.S. PATENT 6,477,492) IN VIEW OF TOMBERLIN (U.S. PATENT APPL. 2002/0110153)

The above comments for distinguishing over Connor and Tomberlin also apply here, where appropriate. Tomberlin teaches a method for synchronizing a measurement in a communication system. (see abstract). It is respectfully submitted that nothing was cited or has been found in Tomberlin suggesting modification of Connor to overcome the deficiencies discussed above.

In view of the above, it is respectfully submitted that the rejection is overcome.

IV. CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Respectfully submitted,

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